

Please add the following claims:

9. The crimping pliers of claim 8 in which said auxiliary handle is of U-shaped cross section so that it can fit around said one handle of said pair in an extreme rotational position, so as not to interfere with the final closing of said crimping pliers.

10. The crimping pliers of claim 7 in which said auxiliary handle is of U-shaped cross section so that it can fit around said one handle of said pair in an extreme rotational position, so as not to interfere with the final closing of said crimping pliers.

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51337 11. The crimping pliers of claim 6 in which said auxiliary handle is of U-shaped cross section so that it can fit around said one handle of said pair in an extreme rotational position, so as not to interfere with the final closing of said crimping pliers.

REMARKS

Reconsideration of this application and allowance of the claims is respectfully requested.

The amendment to claims 2 and 4 is in response to the examiner's objection at section 1 of the Office Action. The other amendments are clearly supported by the original disclosure.

The examiner has also rejected claims 1 through 4 as anticipated by Burke 5,545,168. However, it is submitted that Burke fails to show structure that fits the following language of claim 1: "...one of said jaw portions comprising a pair of laterally positioned sidewalls and a pair of spaced crimp retaining prongs, said sidewalls defining a crimp space therebetween, the other of said jaw portions defining a single crimp gripping and crushing projection which is positioned to move toward said crimp space as the jaw portions are pivoted..."

This particular structure can be seen for example in Fig. 6. Note the laterally positioned sidewalls at reference numeral 64. There is a pair of such sidewalls defined by lower jaw 48 with a crimp space 58 being defined by these sidewalls. Also, reference numeral 64 refers to the

trough which is defined by the pair of sidewalls. See the first complete paragraph of page 11 of the specification.

Turning to the upper jaw portion 46, it does not comprise a pair of sidewalls. Rather, jaw 46 "...comprises a plate of uniform, opposed, flat surfaces 66, which are spaced to fit into longitudinal trough 64 and which define crimp gripping and crushing projection 62".


Accordingly, it can be seen that in light of this embodiment, claim 1 clearly covers crimping pliers where "... one of the jaw portions comprises a pair of laterally positioned sidewalls...the other of said jaw portions defining a single crimp gripping and crushing projection...".

While the embodiment of Fig. 6 shows an upper jaw that can move between the sidewalls of the lower jaw, Fig. 11 fragmentarily shows a pair of jaws 46b, 48b, where the lower pair has a pair of sidewalls and a crimp space, but the upper jaw is a single piece which is too large to fit into this crimp space. Nevertheless, it fits within the scope of claim 1 which calls for crimping pliers with one jaw having a pair of laterally positioned sidewalls and the other jaw defining a single crimp gripping and crushing projection.

Turning now to Burke U.S. Patent 5,545,168, crimping pliers are disclosed which indeed have a pair of jaws. However, the relationship and structure called for in claim 1 is not present.

Specifically, note the front view of Figs. 4a-4d. While claim 1 calls for one of the jaw portions to define "a pair of spaced crimp retaining prongs" as at prongs 56, a comparison of reference numeral 60 in Figs. 1 and 4 of Burke shows that the corresponding structure is not "... a pair of spaced ... prongs". Rather, it is a unitary, transverse bar.

When one looks at the structure of reference numeral 62 of Burke (Fig. 2), found with each jaw in a position where the sidewalls of the lower jaw of Fig. 6 are found, the drawings do



not teach whether this structure comprises a pair of spaced walls as claimed in this invention or a single, unitary block. However, the specification of Burke at column 5, lines 15-24 clearly shows that structure 62 is like a block, and does not comprise separate walls as shown for example in Fig. 6 of this application.

Note the language from this section: “Recess 58 on each end 40 and 42 is located between an overhanging lip 60 and a lower surface 62. The two recesses 58 on ends 40 and 42 confront each other and together form one large recess sized to accept a crimp member 200... The space between surface 62 and lip 60 in each recess 58 is approximately equal to the thickness of a crimp member 200 so that crimp member 200 is held in position in combined recesses 58 by overhanging lips 60”. (Emphasis added)

From this, it is clear that each jaw has “an overhanging lip 60 (singular) as shown in the various Figs. 4. Also there is “a lower surface 62”, again singular, showing that this structure is not a pair of walls but a single block.

Also, it can be seen from the above cited section in Burke that the two jaws of the pliers of Fig. 1, and the other pliers shown, are of substantially identical design. To the contrary, note Fig. 6 of this application, where each jaw member 46, 48 is of significantly different design, one of which comprises the pair of walls toward which the single upper jaw plate pivots.

This distinction is submitted to be clearly expressed in claim 1 and its dependent claims. Note also claim 3, where the same concept is expressed by a crimp space which is “...defined by a longitudinally extending trough in said one jaw portion.” This is submitted to be not found in Burke. Accordingly, Burke does not anticipate claim 1 and its dependent claims, nor does it render them obvious in any way since the structure is rather different, and there is no teaching at

all of any use of interacting jaws of different design, not to mention the use of jaws of the claimed design.

The examiner has also rejected claims 5-8 as unpatentable over Burke 5,545,168 in view of Nelson 4,643,054.

Claims 5 and 6 depend from claim 1, and thus share in the patentable distinctions thereof.

The amendments to claim 7 are submitted to be supported by the original disclosure of this application, particularly Fig. 5 and page 12, for example.

In this rejection, the examiner acknowledges that Burke does not show an “auxiliary handle” of the type called for in claim 7 and its dependent claims. To remedy this deficiency, the examiner brings forward Nelson, which discloses handle 50.

Upon examination of Nelson, it can be seen that handle 50 (Fig. 6) is way shorter than the pair of pliers handles upon which it is carried, and thus is not of much meaningful help for a small-handed person in closing the widely separated pliers handles, in manner analogous to what is called for in claim 7 of this application and described on page 12. It is submitted that the specified length of auxiliary handle 57 of this application provides a significant distinction over the disclosure of Nelson. As stated in Nelson, column 2, lines 56-58 the use of its short handle 50 is as a release handle “...to retract the pawl (47) and disengage it from (sic) one of the notches (53) on the rack (49)”.

Thus, handle 50 in Nelson is for the purpose of opening a lock on the pliers that holds the handles together in a specified position, not for the purpose of facilitating a small-handed person to grasp the open pliers and to control them with one hand during a medical procedure.

Thus claims 5-8 are submitted to be patentable.

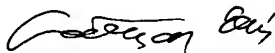
Turning also to new claims 9-11, these claims call for the auxiliary handle to be of U-shape so that it can "...fit around handle 42 in an extreme counterclockwise rotational position, so as not to interfere with the final closing of crimping pliers 40" (page 12, last complete paragraph). It is of course clear that the release handle 50 of Nelson is not of such U-shaped cross section.

In view of the above, allowance of the amended claims is respectfully requested.

Applicant's attorney also wishes to notify the examiner of the Information Disclosure Statement effectively filed December 9, 2002, which apparently had not found its way to the file by the date of the Office Action, which is December 31, 2002. The examiner is requested to review the references of the filed IDS and to indicate the same in writing.

Respectfully submitted,

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Registered Attorney for Applicant
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